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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,532	11/13/2000	Michael J. Bowes	108339-09057	4435
32294	7590	11/30/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/709,532	<b>Applicant(s)</b> BOWES, MICHAEL J.	
	<b>Examiner</b> Michael J. Moore, Jr.	<b>Art Unit</b> 2666	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Michael J. Moore, Jr. **MM**  
 Examiner  
 AU 2666

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that Beuk does not disclose or suggest that the channel field in group frame 630 is used to correlate a specific request message with a corresponding acknowledgement message and rather is used to identify the communication channel used. While it is agreed that the channel field of Beuk does identify a communication channel, it is also held that the channel field "correlates a packet request message with a corresponding request acknowledge message".

As previously stated, Beuk teaches the channel field (identification bit string) shown in group frame 630 (packet request message) of Figure 3 that is copied (correlates) to the channel field of acknowledgment frame 640 (request acknowledge message) of Figure 3 and that is used to filter acknowledgment messages as spoken of on column 4, lines 38-48 and column 12, lines 19-28. As stated on column 4, lines 38-48, a receiving apparatus, which receives a group frame, specifying a specific communication channel, transmits in response an acknowledgement frame, which specifies the same communication channel. Then the apparatus, which sent the original group frame and now receives the acknowledgement frame, can compare the channels specified in both frames in order to filter out acknowledgements that are intended for other apparatuses. It is held that this teaches the correlation of a packet request message with a corresponding acknowledgment message through the use of the channel field.

Applicant also argues that the TYPE field of Beuk does not identify whether a frame is a control frame or a data frame and rather only discloses that the TYPE field includes an A/M field (used to distinguish between an acknowledgement frame and a message frame) and a B/G field (used to distinguish between a broadcast frame and a group frame).

Referring to Figure 3 as well as column 12, lines 36-43, it is shown in frames 610, 620, 630, and 640, how the A/M field of the TYPE field (control bit string) indicates whether the frame is a message frame (contains DATA field) or an acknowledgement frame (contains ACK field). As seen in Figure 3, when the A/M field is logic "0", this indicates a message frame containing a DATA field (frames 610 and 630). On the other hand, when the A/M field is logic "1", this indicates an acknowledgement frame containing an ACK field (frames 620 and 640). It is held that this teaches that the TYPE field identifies whether a frame is a control frame (acknowledgement frame) or a data frame (message frame).



**FRANK DUONG**  
**PRIMARY EXAMINER**